

#### ELECTION AND REMARKS

The Examiner has required an election of species in this application.

The Examiner has identified Claims 1-7, 10, 25 and 26 as being generic claims.

The Examiner has also identified generally that the Examiner feels that there are a plurality of disclosed patentably distinct species comprising Claims 8, 9, 11-24 and 27. However, the Examiner has failed to specify how many distinct subject matter species the Examiner contends exist in this application. The Examiner merely states "that each of these claims is a separate and distinct type of bonus game that may be played on the generic gaming machine."

The Examiner attention is directed to the pertinent section of the MPEP. MPEP 806.04(e) instructs that claims are never species. Rather species are always the specifically distinct embodiments disclosed in the application.

Applicants also note that this application contains both method and apparatus claims.

#### The method claims:

The method claims are Claims 1-24. Method Claims 1-7 and 10 are generic as recognized by the Examiner. These claims are

directed to a method of playing a gaming machine.

Claims 8, 9 and 11-24 are considered by the Examiner to be directed to a plurality of distinct species. Applicants submit that these dependent claims add the step of including a bonus feature during the play of the gaming machine. And therefore Applicants contend that the addition of another step to a method of play is not technically a species of the generic method of Claim 1. Rather this is the addition of another step of the method of play and should more properly be considered as a "combination" of the "subcombination" of the method of Claim 1.

In light of the above explanation, the Examiner is requested to reconsider the position that these claims involve a plurality of species.

Nevertheless, in compliance with the requirement in the Office Action that the Applicants elect a species, even if the requirement is traversed, Applicants submit that Claims 8, 9 and 11-24 are directed at the following embodiments:

Group I: Claims 8 and 9 are directed to the additional step of having a bonus feature activated if a predetermined result occurs during the play of the game.

Group II: Claims 11, 16, 17 and 18 are directed to the additional step of having a bonus feature activated if a

predetermined symbol appears anywhere on the screen display.

Group III: Claim 12 is directed to the additional step of having a bonus feature activated on a random basis.

Group IV: Claim 13 is directed to the additional step of having a bonus feature activated according to a predetermined schedule.

Group V: Claim 14 is directed to the additional step of having a bonus feature activated as a result of a decision made by the player.

Group VI: Claim 15 is directed to the additional step of having a bonus feature activated as a result of an action by the player.

Group VII: Claims 19-24 are directed to the additional step of having a bonus feature activated if a predetermined symbol appears on an active pay line.

The apparatus claims:

The apparatus claims are Claims 25-27. Apparatus Claims 25 and 26 are generic as recognized by the Examiner. These claims are directed to a gaming machine.

Claim 27 is considered by the Examiner to be included in the claims that are to be directed to a plurality of distinct species. Applicants submit that this dependent Claim 27 simply adds a bonus

feature to the gaming machine. And therefore Applicants contend that the addition of another element to an apparatus is not technically a species of the generic apparatus of Claim 25. Rather this is the addition of another element of the apparatus and should more properly be considered as a "combination" of the "subcombination" of the apparatus of Claim 25.

In light of the above explanation, the Examiner is requested to reconsider the position that these claims, including Claim 27, involve a plurality of species.

Nevertheless, in compliance with the requirement in the Office Action that the Applicants elect a species, even if the requirement is traversed, Applicants submit that Claim 27 is directed at the following embodiment:

Group VII: Claim 27 belongs with Claims 19-24 and is directed to the additional element of a bonus screen feature that is activated if a predetermined symbol appears on an active pay line.

**Election:**

Applicants elect the species of Group VII and Applicants designate Claims 19-24 and 27 as the claims that read on the elected species.

The Examiner is reminded that this election of species must be reconsidered if a generic claims is found allowable. See MPEP

809.02(c). Applicants are entitled to a reasonable number of "species" claims should a generic claim be found allowable.

[The Examiner's attention is directed to MPEP 809.02(a) which contains a detailed explanation of how a proper species requirement should be worded. Applicants submit that the Examiner should have used form paragraph 8.01 instead of form paragraph 802.]

Applicants request that the Examiner reconsider the appropriateness of the species requirement in light of the above comments. Applicants further request that an action on the merits of this application now be made and that the action on the merits be made as to all of the generic claims and the elected "species" claims. Should the Examiner withdraw the requirement for an election of species, then Applicants request an action on the merits of all of the claims pending in this application. If the Examiner has further questions regarding this application, the Examiner is requested to call undersigned counsel.

Respectfully submitted,



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